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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**STATE OF MICHIGAN, STATE OF
CALIFORNIA, et al.,**

Plaintiffs,

v.

**ELISABETH D. DEVOS, in her official
capacity as the United States Secretary of
Education, and UNITED STATES
DEPARTMENT OF EDUCATION,**

Defendants.

Case No. 3:20-cv-04478-JD

**STIPULATION TO SET BRIEFING
SCHEDULE AND SET HEARING FOR
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Judge: Hon. James Donato
Trial Date: None set
Action Filed: July 7, 2020

Pursuant to Civil L.R. 6-2 and 7-12, the Plaintiffs and Defendants in the above-captioned case stipulate and agree as follows:

1. On July 7, 2020, Plaintiffs filed a complaint in the above captioned matter (ECF No. 1). Between July 14 and July 16, counsel for Plaintiffs and Defendants met and conferred regarding the briefing and hearing schedule for the motion for preliminary injunction that Plaintiffs would seek. On July 17, Plaintiffs filed a first amended complaint (ECF No. 24) and an administrative order seeking to set the agreed-upon briefing schedule (ECF No. 25), with the motion for preliminary injunction attached.

2. On July 20, pursuant to that administrative order, the Court ordered the parties to proceed via an expedited briefing schedule (ECF No. 30), wherein the opposition to the preliminary injunction would be filed on July 29, and the reply would be filed on August 3.

3. On July 22, the matter was reassigned to the Honorable Judge James Donato. (ECF No. 38)

4. On July 24, counsel for the parties met and conferred to discuss the timing of the hearing in light of the reassignment of the matter. Plaintiffs and Defendants discussed requesting that the court hear the matter on August 6 or shortly thereafter.

5. On July 28, the parties met and conferred to discuss the briefing schedule, timing of the hearing and other procedural issues. Counsel for Defendants requested that the required date for filing the opposition brief be extended one day, from July 29 to July 30. Given that this modification would correspondingly shorten Plaintiffs' time to file their reply brief, the parties agreed to move the reply deadline from August 3 to August 5.

6. Accordingly, the parties jointly agree to extend the current briefing deadlines as follows:

Old Date	New Date	Document
July 29	July 30	Defendants' Opposition to the Motion for Preliminary Injunction
August 3	August 5	Plaintiffs' Reply in Support of the Motion for Preliminary Injunction

1 7. Given the fast-approaching beginning of the school year, the parties agree the motion
2 for preliminary injunction should be heard as expeditiously as is reasonable, in order to provide
3 clarity to the parties regarding the permissible use of the emergency coronavirus relief funding at
4 issue in the matter. Pursuant to Local Rule 6-2(a), undersigned counsel for Plaintiffs has
5 submitted a declaration in support of this stipulation.

6 8. Following judicial reassignment, Plaintiffs are required to renotice the motion for
7 preliminary injunction. Immediately prior to filing this stipulation, Plaintiffs renoted the motion
8 for preliminary injunction and set a hearing date of September 3, 2020, more than 35 days
9 following the notice as required by L.R. 7-2(a).

10 9. The parties agree that the motion should be heard on an expedited basis, and request
11 that the motion hearing be scheduled on Friday, August 7, 2020 or any day during the week of
12 August 10, 2020, at the convenience of the Court.

13
14 THEREFORE, IT IS HEREBY STIPULATED and agreed to by and between counsel for parties
15 that:

16 (1) Defendants' Opposition to the Motion for Preliminary Injunction shall be filed on
17 July 30, 2020;

18 (2) Plaintiffs' Reply in Support of the Motion for Preliminary Injunction shall be filed on
19 August 5, 2020; and

20 (3) Plaintiffs and Defendants request the Court set the motion hearing for Plaintiffs' Motion
21 for Preliminary Injunction on August 7, 2020 or any date on or between August 10, 2020 and
22 August 14, 2020.

1 Dated: July 29, 2020

IT IS SO STIPULATED.

2 By: /s/ Garrett Lindsey

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10 By: /s/ Neil Giovanatti

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ATTESTATION OF SIGNATURES

I, Garrett M. Lindsey, hereby attest, pursuant to Local Civil Rule 5-1(i)(3) of the Northern District of California that concurrence in the filing of this document has been obtained from each signatory hereto.

Dated: July 29, 2020

/s/ Garrett M. Lindsey

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